

COMMUNITY AFFAIRS

THE COMMISSIONER

Organizational Rules

Proposed Readoption with Amendments: N.J.A.C. 5:2

Authorized By: Susan Bass Levin, Commissioner, Department of Community
Affairs.

Authority: N.J.S.A. 52:27D-3, 52:14-3 and 4

Proposal Number: PRN 2005-

Calendar: Reference: See Summary below for explanation of exception to calendar
requirement..

Submit written comments by April 21, 2005 to:

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SUSAN BASS LEVIN, Commissioner

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the Organizational Rules of the Department of Community Affairs, N.J.A.C. 5:2, are scheduled to expire on August 9, 2005. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted with such amendments as are necessary in order to accurately describe the current organization of the Department.

In addition to rules describing the organization of the Department, the chapter proposed for readoption includes subchapters on the processing of petitions for rules that are submitted to the Department under N.J.S.A.52:14B-4(f) and for automatic extension of licenses and certifications issued by the Department to persons who are on active duty in the armed forces..

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

Readoption of these rules will allow members of the public to easily obtain information about the various divisions and units within the Department, and also as to how they might go about filing petitions for changes to the Department's administrative rules. It will also keep in place a license or certification extension program that was adopted in order to make sure that persons who are called to active military do not lose

their licenses or certifications because of their temporary inability to comply with renewal requirements while they are otherwise occupied in the service of our country..

Economic Impact

Readoption of this chapter is necessary in order to avoid any adverse economic impact upon any license or certification holder serving in the armed forces who might otherwise lose his or her license or certification because of inability to renew it in a timely manner.

Federal Standards Statement

No Federal standards analysis is required because this rule is not being readopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not expect that readoption of this chapter would result in the creation or loss of any jobs..

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of this chapter.

Regulatory Flexibility Statement

These rules affect the Department, persons seeking information about the Department and persons holding licenses or certifications from the Department who are on active duty in the armed forces. They do not impose any compliance, reporting or record-keeping requirements upon “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq

Smart Growth Impact

Readoption of this chapter would not have any impact upon the implementation of the State Plan or the achievement of “smart growth.”

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:2.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

5:2-1.1 Office of the Commissioner; Divisions

(a) The Department of Community Affairs includes the Office of the Commissioner, the Divisions of Codes and Standards, Housing [and} Community Resources, Fire Safety, Women [, Aging] and Local Government Services , [the Office of Recreation and] the Center for Hispanic Policy, Research and Development **and the Office of Smart Growth**.

(b) The Office of the Commissioner includes the Commissioner **(who directly oversees the Division of Local Government Services and the Division on Women and the Office of Smart Growth)**, the Deputy Commissioner (who oversees the [Division of Local Government Services, the Division on Women and the Center for Hispanic Policy, Research and Development] **Offices of Internal Services, Human Resources, Auditing, Information Technology and Security)**, one Assistant Commissioner who oversees the Divisions of Codes and Standards, Housing [and Community Resources] and Fire Safety **and the Office of Fiscal Affairs**, and is responsible for liaison with [the Housing and Mortgage Finance Agency,] the Council on Affordable Housing[, the New Jersey Redevelopment Authority, the State Planning Commission and the Office of State Planning,] **and the New Jersey Historic Trust, one Assistant Commissioner who oversees the Center for Hispanic Policy, Research and Development, the Division of Community Resources and the Office of Grants, a Chief of Staff who oversees the Offices of Legislation and Intergovernmental Affairs,** and the following subordinate offices that report [either] to the Commissioner [or the Deputy Commissioner]:

1. [Reporting to the Commissioner:

i.] Affirmative Action; and

[ii. Ethics.]

2. [Reporting to the Deputy Commissioner:

i. Office of Auditing

ii.] Communications and Policy[;

iii. Human Resources

iv. Legislative Affairs;

v. Internal Services; and

vi. Fiscal Affairs].

(c) The Division of Codes and Standards consists of the Director's Office, **the Deputy Director's Office and the Office of Administrative Services.** [the Office of Planning and Operations] **The Deputy Director's Office includes the Deputy Director,** the Construction Code Element and the Licensing and Inspection Element.

1. The Construction Code Element includes [the Assistant Director's Office and] the following bureaus **and offices:**

i. - v. (No change.)

2. The Inspection and Licensing Element includes [the Assistant Director's Office and] following bureaus:

i. Housing Inspection; **and**

ii. Rooming and Boarding House Standards [; and

iii. Boiler and Pressure Vessel Compliance].

(d) (No change.)

(e) The Division of Housing [and Community Resources] consists of the Director's Office (including the offices of [Audit Review and Fiscal Monitoring] **Fiscal Operations** and [Division] Administration and **Central** Operations) and the following [elements] **management programs:** Housing Production [and Community Development]; **Housing Affordability Service; and** Housing Assistance Programs[; and Housing and Community Services].

(f) The Division on Women includes the Office of the Director and the following [offices] **elements:**

1. [Advocacy, Public Information and Legislation;] **The Office on the Prevention of Violence Against Women; and**

2. [Displaced Homemakers;] **The Office on Women's Research and Policy, Support, Employment and Training.**

[3. Domestic Violence;

4. Hispanic Women; and

5. Child Care and Disabled Women.]

(g) The Division of Local Government Services includes the Office of the Director and [the following elements: Local Assistance and Regulatory Services.

1. The Local Assistance Element includes the Assistant Director's Office,] the Bureau of Local Management [Services] **Assistance**, [and the Fiscal and Grant Unit;

2. The Regulatory Services Element includes the Assistant Director's Office,] the Bureau of Authority Regulation, the Bureau of Financial Regulation **and Assistance**, and the [Audit Quality Assurance Unit] **Office of Local Government Research**.

(h) The Division of Community Resources includes the Office of the Director and the following administrative units: Contract Administration; Customer Service; Grant Development; Home Energy/Weatherization; Indoor Environmental Hazards; Main Street New Jersey; Planning; and Program Implementation.

5:2-1.2 Agencies in, but not of, the Department; other agencies

(a) The following agencies of State government are allocated to the Department of Community Affairs in compliance with Article V, Section 4, Paragraph 1 of the New

Jersey Constitution but are not, except as noted in (c) below, under the supervision or control of the Commissioner or any division director:

1. - 2. (No change.)
3. [Hackensack] **New Jersey** Meadowlands [Development] Commission;
4. New Jersey Sports and Exposition Authority; [and]
5. New Jersey Redevelopment Authority; **and**
- 6. New Jersey Historic Trust.**

(b) The following agencies within the Department are not, except as noted in (c) below, under the supervision or control of the Commissioner or of any division director with regard to the manner in which they carry out their specific statutory duties:

1. - 2. (No change.)
- [3. Office of State Planning]

(c) (No change.)